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SOL: JSR (04)00768

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff

v.

LOCAL 381, NEW JERSEY MID-STATE AREA,
AMERICAN POSTAL WORKERS UNION, AFL-CIO,

Defendant.

RECEIVED

MAR 26 2005

BY L. COOP
DISTRICT JU

RECEIVED

MAR 7 2005

AT 8:30 _____
WILLIAM F. WALSH
CLERK

: Civil Action
: File No.
: 04-CV-305 (MLC)

PARTIAL CONSENT JUDGMENT BETWEEN PLAINTIFF AND DEFENDANT
LOCAL 381, NEW JERSEY MID-STATE AREA AMERICAN POSTAL WORKERS
UNION, AFL-CIO,

It is hereby stipulated by the parties and ordered by the Court
as follows:

1. Plaintiff Secretary of Labor brought this action under
Title IV of the Labor-Management Reporting and Disclosure Act of
1959 (Act of September 14, 1959, 73 Stat. 519 et seq.), ("the
Act"), to set aside the December 5, 2002 election by Local 381,
New Jersey Mid-State Area, American Postal Workers Union, AFL-

CIO ("the Union") for the following positions: President; Vice-President; Secretary-Treasurer; Director of Organization; Director of Industrial Relations; Director of Research and Education; Director of Benefits and Health Plans; Director of Clerk Craft; Trustee (all 5 positions); and Chief Steward (19 of 22 positions at the following post office locations: Berkeley Heights, Cranford, Denville, East Hanover, Eatontown, Hazlet, Hightstown, Keyport, Madison, Matawan, Millburn, New Providence, Phillipsburg, Piscataway, Plainfield, Raritan, Rumson, Short Hills and Woodbridge).

2. The Union, without admitting that it has violated the Labor-Management Reporting and Disclosure Act of 1959, and the Secretary hereby stipulate and agree to the following terms ordered below. The Union states that it is entering into this partial consent judgment solely to avoid the risks and expenses of ongoing litigation.

3. The Union's election held December 5, 2002 is declared null and void as to the following positions: President; Vice-President; Secretary-Treasurer; Director of Organization; Director of Industrial Relations; Director of Research and Education; Director of Benefits and Health Plans; Director of Clerk Craft; Trustee (all 5 positions); and Chief Steward positions at the following post office locations: Denville, Hightstown.

4. Defendant shall conduct new nominations and a new election for the positions set forth in paragraph three under the supervision of the Secretary of Labor ("the supervised election"). The supervised election shall be completed no later than May 20, 2005.

6. The supervised election shall not take the place of the Union's next regularly scheduled election, currently scheduled for December 2005. In accordance with its Constitution and Bylaws, the Union will conduct its regularly scheduled election in December 2005.

7. Nominations and the election held pursuant to this Consent Judgment and Order shall be conducted in accordance with the LMRDA, and insofar as lawful and practicable in accordance with the Constitution and Bylaws of the Union. The winners of the supervised election shall be installed as soon as practicable after the certification of the tally of the ballots.

8. Any challenge by any member of the Union as to any issue pertaining to the supervised election shall be made to the Secretary of Labor. All decisions as to the interpretation or application of Title IV of the LMRDA and the provisions of the Constitution and Bylaws of the Union that relate to the supervised election are to be determined by the Secretary of Labor, and her decision shall be final.

9. The Court shall retain jurisdiction of this action. After completion of the supervised election, the Secretary shall certify to the Court the names of the persons so elected, and, if appropriate, shall further certify that such election was conducted in accordance with Title IV of the LMRDA, and, insofar as lawful and practicable, that the election was conducted in accordance with the provisions of the Union's Constitution and Bylaws. Upon approval of such certification, the Court shall enter a judgment declaring that such persons have been elected as shown by such certification, and further providing that each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

10. The issues of whether the Union violated the LMRDA as to the remaining chief steward positions and whether an immediate election as to those positions is necessary are not resolved by this partial consent judgment. Those issues are being addressed in the parties' cross-motions for summary judgment and will be decided by the Court.

11. Counsel for the undersigned parties represent that they are authorized to enter into this Partial Consent Judgment

on behalf of their client(s).

Dated: January 20, 2005
New York, New York

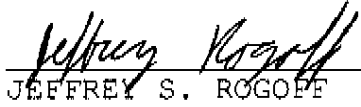
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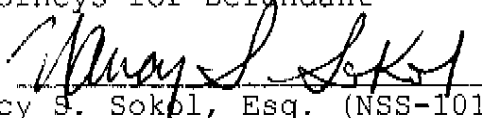
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DATED: MARCH 7, 2005
Trenton, New Jersey

IT IS SO ORDERED:

Mary L. Cooper
HONORABLE MARY L. COOPER
U.S. DISTRICT COURT JUDGE